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OPERATIONALIZATION
of Article 7

June 19 and 20, 2008
The Fountains, Carmel

DRAFT as of June 2008

Overview

- Handouts
  - Power Point Being Used
  - Article 7 as Published in The Indiana Register
  - All Items are DRAFT, Updates Will Be Placed On The CEL Website
  - If You Want A CD Sent To You With All DRAFT Materials, Write Your Name And Address On An Index Card And Be Sure To Give It To Us
- Presentations
  - Policy Discussion From SAC and SBE
  - Procedural Issues or Questions

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Evaluation and Eligibility

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and
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Blumberg Center for Interdisciplinary Studies in Special Education

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Rule 40

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What's New in Rule 40

- Comprehensive and coordinated early intervening services (*CC*-EIS)
- Initial Evaluation
- Reevaluation
- Component areas of Assessment

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CC-EIS

- Considerations and Resources for your *CC*-EIS in three areas:
  - Continuum of curriculum, instruction, and interventions/extensions (C, I, I/E)
  - Assessment and progress monitoring
  - Data-based decision making

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Considerations: Continuum of Curriculum & Instruction

- How do you ensure a continuum of instruction, intervention, and extensions?
  - Academic, behavioral, and social/emotional
  - Culturally and Linguistically Responsive
  - Targeted toward student need
- What and How to document?
  - Small group and/or individual interventions
  - Frequency, Duration, Setting, Resources, Strategy, Student Data, Implementation Data

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Considerations: Assessment and Progress Monitoring

- How will students in need of additional interventions/extensions be identified?
  - What assessment instrument will be used?
  - What criteria will be used to make the decision?
- How will all students' progress be monitored?
  - What assessment instrument(s) will be used?
  - How often will data be collected?
  - Who will collect the progress monitoring data?
  - How will the data be managed and prepared?

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Considerations: Data-Based Decision Making

- How will progress or "response" be determined?
  - What criteria will be used to make the decision?
  - Thinking beyond the 4-point rule
- Who will be involved in the decision-making process?
  - Family members, school staff, specialists/consultants
- What procedures will be in place to initiate a referral if a lack of response is evident?

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Initial Evaluation and Reevaluation: Recurring Themes

- Review of existing student data is an ongoing process and …
  - Informs assessment decisions such as "what required assessments are already fulfilled?" and "what additional information is needed?"
  - Informs instruction and development of intervention plans.
  - Not a single event!

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Initial Evaluation and Reevaluation: Recurring Themes

- Variety of assessment procedures
  - Norm-referenced, criterion-referenced, observations, interviews, etc.
- 8 domains/areas of assessment
  - Development, Cognition, Academic Achievement, Functional performance or adaptive behavior, communication skills, motor and sensory abilities, available medical, social/developmental history

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Initial Evaluation and Reevaluation: Recurring Themes

- Culturally and linguistically responsive

- Use of professional judgment

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Written Notice for Initial Evaluation

- Who will be involved in preparing the written notice?
- What process and criteria will be used?
- What information will be considered?
  - Previous instruction and intervention
  - Progress monitoring data
  - Implementation fidelity data
- How will proposed evaluation components be determined?

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Reevaluation

- If purpose of reevaluation is to reestablish eligibility, reevaluation must occur by the next annual CCC meeting.

- If purpose is to (1) determine eligibility under a different or additional category or (2) inform the CCC of the student's needs, reevaluation must occur and the CCC convened within fifty (50) instructional days of the date that written parental consent is received.

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Initial Educational Evaluation Timeline If Student Participated In RtI*

- Request for testing

- Within 10 days: Notice of Initial Evaluation

- Receipt of Consent for Evaluation

- Within 20 days: CCC meeting to discuss results

*if the student has not made appropriate progress after receiving scientific, research-based interventions for an adequate period of time

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Initial Educational Evaluation Timeline If Student Did Not Participate In RtI*

•Request for testing

•Within 10 days: Notice of Initial Evaluation

•Receipt of Consent for Evaluation

•Within 50 days: CCC meeting to discuss results

*if the student did not participate in scientific, researched-based interventions for an appropriate period of time or if the student is making adequate progress through an RtI process

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Initial Educational Evaluation Timeline for Students in Early Childhood

- Before 3rd birthday for child transitioning from Part C

- 50 days from consent to evaluate for students who are not transitioning from Part C

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Educational Evaluation Timeline for Reevaluation to Reestablish Eligibility

- Request for testing typically occurs during annual

- Before the next annual CCC meeting: CCC meeting to discuss results

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Educational Evaluation Timeline To Consider Additional Or Different Eligibility Category Or To Inform The CCC Of Student Needs

- Request for testing
- Within 10 days: Notice of Reevaluation
- Receipt of Consent for Reevaluation
- Within 50 days: CCC meeting to discuss results

istart7 will:

- Capture the date of parental consent, date of notice to evaluate, date of receipt of consent, date of CCC meeting for DOE-SE reporting and local management
- Provide timing reminders on the dashboard
- Provide reports on evaluation compliance
- Designate necessary assessment areas based on suspected eligibility areas and other circumstances (Rule 42 logic)
- Provide a management tool for assembling all assessment reports into an educational evaluation report

Rule 41

What's New in Rule 41

- Eligibility Categories

- Domains of Assessment: Key words

- Eligibility considerations for SLD

Eligibility Chart: *This chart illustrates the assessment components that are minimally required to be synthesized in an educational evaluation for each suspected disability as articulated in Rule 26. If more than one disability is suspected then multiple columns would be considered.*

Changes in Eligibility Categories

- Blind or Low Vision (previously Visual Impairment)
- Cognitive Disability (prev. Mental Disability)
- Deaf or Hard of Hearing. (prev. Hearing Impairment)
- Language or Speech Impairment (previously Communication Disorder)
- Specific Learning Disability (previously Learning Disability)

Component Areas of Assessment: Key Words

- "Systematic observation"

- "Across various environments from multiple sources"

- "Available" medical or mental health information

SLD Eligibility Determination

- An emphasis on….
  - Insufficient progress
  - Lack of appropriate instruction

  Not…
  - discrepancy between academic achievement and global cognitive functioning

SLD Eligibility: 3 Considerations

1. Underachievement

2. Specific Learning Disability Indicator

3. Exclusion of other factors

Elements of Definition for SLD in Article 7, 511 IAC 7-41-12(a)	
Under-achievement	…does not achieve adequately…
Specific Learning Disability Indicator	….insufficient progress….. when using a process based on the student's response to scientific, research-based intervention; OR ….pattern of strengths and weaknesses…. prohibited use of a severe discrepancy
Exclusion of Other Factors	(A) a visual, hearing, or motor disability; (B) a cognitive disability; (C) an emotional disability; (D) cultural factors; (E) environmental or economic disadvantage; (F) limited English proficiency; or (G) lack of appropriate instruction in reading or math evidenced by: (i) data demonstrating that …student was provided appropriate instruction in general education (ii) …repeated assessments of achievement at

How Will You Operationalize….

1. Does not achieve adequately?

2. Insufficient progress?

3. Pattern of strengths and weaknesses?

4. Lack of appropriate instruction?

Elements of Definition for SLD in Article 7, 511 IAC 7-41-12(a)		Evaluation Requirement for SLD in Article 7, 511 IAC 7-41-12(b)
Under-achievement	…does not achieve adequately…	1) Current academic ach 2) Observation
Specific Learning Disability Indicator	….insufficient progress….. when using a process based on the student's response to scientific, research-based intervention; OR	5) Assessment of Progress
	….pattern of strengths and weaknesses…. prohibited use of a severe discrepancy	1) Current academic ach 6) Any other assessments…
Exclusion of Other Factors	….does not include learning problems primarily the result of: … (G) lack of appropriate instruction in reading or math evidenced by…	6) Any other assessments.. 5) Assessment of Progress 3) Available medical info 4) Social/Developmental History

Consideration Of The 3 Elements
SLD Eligibility Determination

What assessment procedures are needed?

What is the role of existing student data?

How are cultural and linguistic influences considered and addressed?

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	Student Scenario 1 (Reading)
Under-achievement	- ISTAR, ISTEP, NWEA, CBM, CBA - BOSS
Specific Learning Disability Indicator *Emphasis on Progress	- SBRI 7 wks: avg 95% fidelity - DIBELS NWF & ORF twice weekly - Attendance: 1 absence during 7 wk period
Exclusion of Other Factors	- Vision Screening - School Nurse Report-freq complaints - Parent/Teacher Report - Social/Developmental History - BASC - ISTEP, NWEA, ISTAR - Progress as listed above

	Student Scenario 2 (Reading)
Under-achievement	- ISTAR, ISTEP, NWEA, CBM, CBA - BOSS
Specific Learning Disability Indicator *Emphasis on Pattern of S/W	- Select subtests from Woodcock -Johnson Cognitive and Achievement Batteries and CTOPP
Exclusion of Other Factors	- Vision Screening - School Nurse Report-freq complaints - Parent/Teacher Report - Social/Developmental History - BASC - ISTEP, NWEA, ISTAR - SBRI 7 wks: avg 95% fidelity - DIBELS NWF & ORF twice weekly - Attendance: 1 absence during 7 wk period

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Case Conference Committee Meetings
Individual Education Program Processes

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Local Procedures and Training

Need additional procedures describing the written notice provided to parents:
- Prior to initial CCC meeting
- When school proposes/refuses action

Must provide information/training to make sure staff know:
- The required components of and how to develop IEP, and
- If serving as public agency rep, the availability of and authority to commit resources.

✓ Do you need to review and revise your procedures and/or training materials on written notices and IEPs?

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Notice of CCC Meetings

Additional content requirement
- Determination of knowledge and special expertise of invitee
- Invitation of Part C representative to initial CCC at parent's request

Additional recipients
- "All other persons that must attend the CCC meeting"

To think about –
✓ Do you need to revise your "Notice of CCC Meeting" to include new language? See sample draft Notice p. 7
✓ If you're not already doing so, how will you make sure that all required attendees are provided with a copy of the "Notice of CCC Meeting"?

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CCC Participants - New Flexibility

- CCC participants may serve in more than one role
- Director of Special Education no longer required at a manifestation determination
- CCC must include an individual who can interpret instructional implications of evaluation results (Instructional Strategist)
- If no general education preschool program, individual knowledgeable about early childhood development, curriculum and integrated placement options can serve.

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CCC Participants -   Required in Circumstances

☑ Initial evaluation	☐ Consider placement in an alternative program
☐ Reevaluation Review	☐ Consider placement at state school
☐ Annual IEP review	☐ Consider placement in a private facility
☐ Revise IEP	☐ Consider Service Plan
☑ Transition IEP	☐ Consider PA placement with different PA of service
☐ Move In	☐ Manifestation Determination
☐ First Steps intake	☐ Interim Alternative Education Setting
☐ Exit from secondary education	☐ Out-of-school placement 60-day review

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✓ How will you verify that the required individuals have been invited?

Initiate

Proposal | Attempts to Arrange | Individuals Invited | Notice Of Conference

Identify Individuals Invited:

	Position	Name
	Public Agency Rep	Mr. PAR
X	Student	TRNSTU46729 STU00090101
	Teacher of Record	Mrs. ToR
	Instructional Strategist	Mrs. ToR
	General Education Teacher	Ms. Gen Ed
	Parent	Mr. Mom
X	Transition Service Agency Rep	Dr. TSA

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CCC Participants -   Required in Circumstances

- Alternative Program Representative (new)
- Nonpublic School Representative
- State School Representative
- Private School Representative
- Public Agency of Service and Private Facility Reps
- First Steps Rep, if parents request
- Multidisciplinary Team Member
- The Student and Transition Agency Representative, if appropriate

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Who Must Be Invited?

Position	Required for Initial	Required for Annual or Revise	Required for Transition	Required if student = 18+	Can be excused?	Need consent to invite?
Student			Yes	Yes	log attempts*	No
Public Agency Rep	Yes	Yes	Yes	Yes	Yes	No
Parent	Yes	Yes	Yes	No*	log attempts	No
Teacher of Record	Yes	Yes	Yes	Yes	Yes	No
General Educator	Yes	Yes**	Yes**	Yes**	Yes	No
Instructional Strategist	MDt Rep	Yes	Yes	Yes	Yes	No
Multidisciplinary Team Member	Yes				No	No
State School Rep	If considering state facility				No	No
Private Facility Rep	If considering a private facility				No	No
Nonpublic School Rep	If considering service plan				No	No
First Steps Rep	If First Steps Intake and parent request					No
Transition Services Agency Rep	If transition IEP and with consent					Yes
Alternative Program Rep	If considering alternative program				No	No
PA of Service	If considering placement in facility served by different PA				No	No
Other	Need consent if not employed by PA					Maybe

* If parent has not obtained guardianship and if no educational representative has been appointed, the student is the parent.
**Unless the student will not be participating in the general education environment

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CCC Participants - Excusals

If school and parent agree in writing that:

- the member's area of curriculum or related service is not being modified or discussed.

- the member's area of curriculum or related service is being modified or discussed, but the member will submit input in writing prior to the meeting.

- the member's area of curriculum or expertise is being modified or discussed during the portion of the meeting that the member will attend.

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Slide 1

- Identify members requesting excusal.
- Send Notice of CCC to parent with request to excuse (and input into the CCC meeting, if needed and ready)
- Record parent response
- Inform participants of excusal or reschedule

- Sample draft (p.8)

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Slide 2

Excusal Management

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Slide 3

Excusal Logic

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Written Notice Before Initial

Notice of Initial Findings and Proposed Action (p 10)

- •Overall findings of each evaluation, procedure, assessment, record or report used as a basis for proposed action.
- •The action (eligibility) the school may propose
- •An explanation of why this action will be proposed

✓How will this data be managed?

✓Who will collect the information and construct this notice?

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CCC Meeting Timeline –
The CCC Must Meet:

- •at least once annually
- •within 50 school days of the parental consent for initial
- •within 20 school days if the student has not made adequate progress after receiving scientific, researched-based interventions for an adequate period of time.
- •by the next annual for reevaluation to reestablish eligibility
- •within 50 school days if considering additional or different eligibility category or to inform CCC of needs
- •before 3rd birthday for Part C child

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✓What mechanism will be used to track timelines?
✓Who will be responsible for managing CCC meeting timelines?

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Developing IEP – Components What's New?

- Transition IEP

- Supports necessary to provide school personnel with knowledge and skills necessary to implement IEP

- IFSP for students from First Steps

- Special Education and Related Service needs regardless of the identified disability

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Developing IEP – Components What's new

- Academic and Functional performance/goals

- Objectives/Benchmarks for students in ISTAR

- Rationale for ISTAR and evidence of informing parents that student's performance will not be measured against grade level

- Services based on peer-reviewed research to the extent practicable

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✓ How will you verify that all of the components of the IEP are present?

File

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Written Notice and Parental Consent

Must provide written notice of action proposed or refused

Specific content requirements for written notice

IEP can serve as written notice as long as it satisfies all of the written notice content requirements

Sample written notices to accompany IEP
- ✓ Notice of Initial Proposed IEP   p. 11*
- ✓ Notice of Ineligibility   p. 12*
- ✓ Notice of Implementation   p. 13*

* From "Draft Consents and Notices – ISTART7"

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Written Notice and Parental Consent

Written parental consent required only for initial IEP

Subsequent IEPs can be implemented:
- If parent provides written consent for immediate implementation OR
- On the 11th day after parent receives written notice UNLESS parent challenges school's proposed action by:
  - Requesting and participating in meeting
  - Initiating mediation or
  - Requesting due process

If parent challenges, school must continue to implement current IEP

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Written Notice and Consent
Procedural Considerations

- ✓ Do you want your IEP to serve as the written notice of proposed/refused action?

- ✓ If so, do you need to revise your IEP form to include all of the written notice components?

- ✓ How will you ensure that parents receive the IEP/written notice by the 10th day after the CCC meeting?

- ✓ If consent needed but not forthcoming, who will follow up with the parent, and how will you document these efforts?

- ✓ Will you give specific personnel "the authority to facilitate the disagreement" if the parent challenges the proposed action?

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IEP Implementation

Timelines for implementation – "11th day" rule

Move-in students with IEPs
- Consulting with parents
- Immediate provision of comparable services
- Adopt IEP, evaluate, or develop new IEP
- Reasonable efforts to obtain IEP and related records from previous school

Procedural considerations
- ✓ Who will consult with parents? Do you need to document consultation?
- ✓ How will you ensure provision of "comparable services"?
- ✓ Who is responsible for securing student's records and will you document efforts to obtain?

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IEP Review and Revision

IEP must be reviewed periodically, but at least annually.

IEP may be revised without CCC **if** the school and parent:
- agree not to convene the CCC and
- "collaboratively develop a written document" to change the student's IEP

If the changes are part of a "written document" other than the IEP, school must incorporate changes into IEP and provide copy to parent upon request.

When IEP changes are made outside of CCC, the TOR must make sure all CCC members are informed of the changes.

As a practical rule, TOR should make sure anyone responsible for implementing the IEP is aware of the changes.

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IEP Review and Revision

Some procedural considerations –

✓ Who will have the authority to work with the parent to revise the IEP outside the CCC?

✓ Will you have any limits on the types of changes that can be made using this process?

✓ Will you document the changes directly into the IEP?

✓ If the TOR is not the individual collaborating with the parent, who will notify the TOR of the changes?

✓ How/when do you want the TOR to notify personnel affected by the changes in the IEP?

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LRE and Delivery of Services

There are no substantive changes to the requirements for least restrictive environment, placement continuum, and access to academic opportunities, as well as nonacademic, and extracurricular activities.

Clarifies that school must:
- provide supplementary aids and services, as determined necessary by the CCC, to provide the student with an equal opportunity to participate in nonacademic and extracurricular activities, and
- make sure students participate in these activities with nondisabled students to the maximum extent appropriate.

✓Do your procedures or training materials need to be revised to reflect the school's responsibilities in this regard?

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The Statewide Assessment System

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Awareness of Policy

ISTEP+ Testing Coordinators

Role/Training Provided

Bar Code / Booklet Ordering

Which Assessment for Which Content Area?

The Soon-to-be-Named 2% Assessment (The Modified Assessment)

ISTEP+

ISTAR

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http://www.doe.in.gov/istep/welcome.html

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Questions & Answers

The online Q&A is updated frequently. To access, go to:

http://www.doe.in.gov/istep/pdf/INStatewideAssessment
SystQA-052008.pdf

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https://mustang.doe.state.in.us/dg/IT/data/request.cfm

Your Can Request Data

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Awareness of Policy

The NEW Assessment Window

Two assessments for the 2008 / 2009 School Year

Spring ONLY starting in 2010

GQE Administered for final time in Spring 2011

Science and Social Studies

End-of-Course Assessments (ECAs)

Acuity Assessment

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Accountability 2008 - 2009

Grade	Fall	March	April - May
11-12	GQE Retest	GQE Retest	
10	Last Class Under Current GQE Requirements ISTAR Math and E/LA (Pilot New Criteria)	GQE Retest ISTAR Math and E/LA ISTAR Science (Pilot)	End-of-Course Assessments: Algebra I, English 10 (Pilot) Biology I (Participation)
3-8	Current ISTEP+ ISTAR Math and E/LA (Pilot New Criteria)	ISTEP+ (Open-Ended) Modified Assessment (Open Ended - Pilot) ISTAR Math and E/LA ISTAR Science (Pilot – Grs. 4 & 6) ISTAR Social Studies (Pilot – Grs. 5 & 7)	ISTEP+ (Multiple Choice) Modified Assessment (Multiple Choice - Pilot)

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Accountability 2009 - 2010

Grade	Fall	March	April - May
11-12	GQE Retest	GQE Retest	
10	Set Annual Goals Based On ISTAR	ISTAR Math, E/LA, & Science	End-of-Course Assessments: Algebra I, English 10, and Biology I (Participation)
3-8	Set Annual Goals Based On ISTAR	ISTEP+ (Open-Ended) Modified Assessment (Open-Ended) ISTAR Math, E/LA, Science (Grs. 4 & 6), and Social Studies (Grs. 5 & 7)	ISTEP+ (Multiple Choice) Modified Assessment (Multiple Choice)

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Accountability 2010 - 2011

Grade	Fall	March	April - May
12 Only	GQE Retest	GQE Retest	
10	Set Annual Goals Based On ISTAR	ISTAR Math, E/LA, and Science	End-of-Course Assessments: Algebra I, English 10, and Biology I (Participation)
3-8	Set Annual Goals Based On ISTAR	ISTEP+ (Open-Ended) Modified Assessment (Open-Ended) ISTAR Math, E/LA, Science (Grs. 4 & 6), and Social Studies (Grs. 5 & 7)	ISTEP+ (Multiple Choice) Modified Assessment (Multiple Choice)

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Awareness of Policy

Do all staff members know how to access the most current version of the ISTEP+ Program Manual?

Do you know how the 95% participation rate is calculated?

The SE Count Date closest to the assessment window

ISTEP+ scores always 'trumps' an ISTAR rating

Attendance/enrollment processed through STN

Do you understand the Safe Harbor provision?

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Awareness of Policy

Do all staff members know the criteria for participation decisions regarding ISTAR?

How will you ensure staff fully understand how to use the criteria?

Do you have procedures in place to ensure all accommodations provided to eligible students are not only implemented for state and local assessments but also used routinely by the student?

Will the addition of science, social studies and the 2% assessment impact the number of staff necessary to ensure all accommodations are provided to eligible students?

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Management

Data

Do you know who enters the data into the STN system for your corporation(s)?

Do you know that the STN enrollment date is how the 'clock' begins for enrollment data decisions for AYP calculations?

Do you review (and compare) how many students are counted on the October 1, December 1 and April 1 counts for both CODA and STN?

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Management

Data (continued)

Do you review (and compare) how many students are assessed in ISTAR and ISTEP+ to the number of students counted on the date closest to the assessment?

Through Indicator 3 of the CIFMS the CEL monitors the percent of students with disabilities participating in the state-mandated assessment. This indicator looks at participation rate, proficiency and whether the LEA makes AYP.

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Management

ISTAR

Do you run a compliance check in ISTAR prior to the deadline to ensure all ratings have been completed?

Do you have a means of tracking case conference committee determinations to use ISTAR and ensure all are rated in ISTAR?

Do you have a process in place that encourages staff to review the results of their ratings prior to the deadline (to ensure the results are accurate)?

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Management

ISTAR (continued)

Do you have a process in place to monitor all ISTAR ratings denoted as SUPPLEMENTAL to ensure they are not truly students who should be rated in ISTAR in lieu of ISTEP+?

How are student lists in ISTAR routinely monitored and updated to ensure the STNs listed for each teacher reflect his/her current caseload?

Who is designated to assign and remove STNS from teacher caseloads? How frequently is this performed?

Management

AYP Issues

Who is designated to monitor the participation of students with disabilities to ensure you have 100% of your students participating?

The law (and Indicator 3) require at least 95% of the students in grades 3 through 10 to participate in the state assessment system.

Management

AYP Issues (continued)

Do you have many students served on a school service plan (enrolled in a nonpublic school) who are being rated in ISTAR? If so, do you have procedures in place to ensure that those STNs are associated with the nonpublic school and not your school?

Students should be provided one STN that remains the same throughout their educational career, regardless of the number of times they move or change schools.

Management

AYP Issues (continued)

Have you thought about how you will ensure that your STN data entry person will know when a student with a disability is declassified? A new provision is being enacted to permit a student who is declassified from special education to be counted in the students with disabilities 'cell' for AYP purposes for two years after the student is declassified. This mirrors what is permitted with students who are limited English proficient. In single districts this won't be as much of an issue as will most likely occur in special education planning districts with multiple corporations.

Fidelity of Ratings

How do you monitor staff ratings to ensure the ratings are reflective of the child's current level of functioning?

How is evidence that supports those ratings monitored?

When a rating is questionable, it is flagged by the CEL. Who is responsible for gathering additional evidence for the SEA when an ISTAR rating is flagged as questionable?

Decision Making Process

Case Conference Committee Meetings

How do you ensure that accommodations selected for students are used by students on a routine basis (and not just for ISTEP+)?

How do you ensure staff are aware of the allowable accommodations for ISTEP+?

What type of training do you provide for case conference committee chairpersons to ensure that assessment decisions are made in accordance with state and federal regulations?

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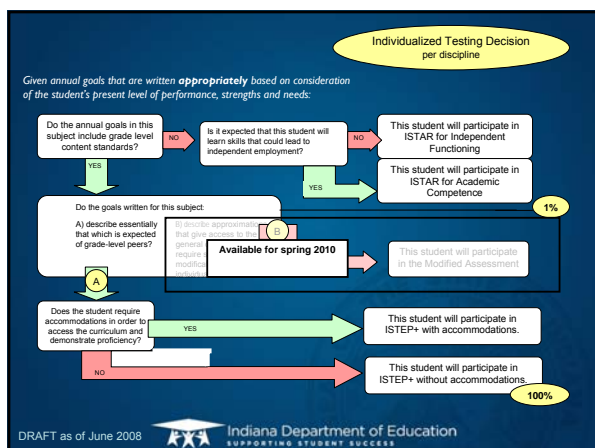
Decision Making Process

Case Conference Committee Meetings (continued)

What type of training do you provide for case conference committee chairpersons fully understand the differences in eligibility criteria for the various state assessments as well as the implications of not participating in them?

The IEP must specify in which assessment the student will participate and what accommodations, if any, are necessary. See 511 IAC 7-42-6 and 511 IAC 7-43-4.

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Decision Making Process

Case Conference Committee Meetings (continued)

For a student determined to be eligible to participate in ISTAR, the IEP must include benchmarks or short term objectives in addition to the required annual goal(s).

How will you train staff on this requirement?
How will you monitor IEPs for compliance with this requirement?

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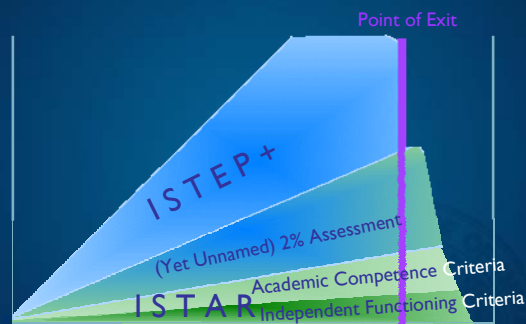
Point of Exit

ISTEP+

(Yet Unnamed) 2% Assessment

ISTAR

Academic Competence Criteria

Independent Functioning Criteria

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Decision Making Process

Local Assessments

The public agency must develop guidelines for the provision of appropriate accommodations during district assessments. These guidelines must ensure that any accommodations provided do not invalidate student scores.

How will you work with district personnel to ensure that this requirement is met?

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Decision Making Process

Local Assessments (continued)

How will you work with district personnel to ensure that district assessments incorporate the concept of universal design for learning? See 511 IAC 7-36-10(b)(2).

What will be your guidelines for exempting a student from a district assessment?

How will you monitor the student's access to accommodations during district assessments?

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Family and Student Involvement

How will you involve students (as appropriate) in the assessment decisions?

At age 14 (or younger if determined by the case conference committee) the discussion of a transition plan will include diploma discussions. How will you ensure staff are fully informed of any potential impact an assessment participation decision may have on the child's eligibility for a high school diploma?

How will you ensure families are fully informed of the results of assessments?

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Family and Student Involvement

How will you ensure that your staff fully understands how to read and explain the results of an ISTAR report?

Are all staff fully informed of the cut scores used for ISTAR?

Are all staff fully informed of a cut score of BASIC equating to a failing score on ISTAR?

How will you work with families in your district to ensure they understand how ISTAR results may be used to help drive the child's educational program?

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Nonpublic Schools (Parental Placement)

Kylee Bassett, Specialist
Center for Exceptional Learners

Key Elements

- No individual right to special education and related services
- Equitable participation based on a process that includes timely and meaningful consultation
- Proportionate share of Part B funds must be spent on this population
- Program offered to children designated to receive services is through a service plan – not and individualized education program (IEP)

US Department of Education, Office of Special Education Programs

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* Key Changes *

- LEA <u>where the nonpublic schools are located</u> is responsible for child find and provision of services

- Preschool children with disabilities aged 3-5 can be considered parentally-placed children under IDEA <u>only</u> if they are enrolled in a private school that is considered an <u>elementary school</u>
  - <u>Elementary School</u> → a school that provides any combination of kindergarten and grades 1 through 8

- <u>Consent required</u> for disclosure of evaluations between the LEA of the parent's residence and the LEA where the private school is located

US Department of Education, Office of Special Education Programs

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* Key Changes (continued) *

- Nonpublic school personnel <u>do not</u> have to meet requirements for HQT in 34 CFR §300.18

- Additional provisions related to <u>expenditures</u>

- Consultation requires <u>written affirmation</u>

- Nonpublic school officials <u>can file a complaint</u> with the SEA regarding consultation process

US Department of Education, Office of Special Education Programs

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Timely and Meaningful Consultation

- **TIMELY**
  - ". . .during the design and development of special education services for the students. . ."

- **What should LEAs consider to ensure a timely consultation?**
  - Consultation process needs to be completed before the start of the new school year
  - By May, LEAs should be informed of the Part B, IDEA Pass-Through Funding
  - Due date for LEA's Part B Grant Application is mid-August every year (August 15, 2008).

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Timely and Meaningful Consultation

- **MEANINGFUL**
  - "Afford all parties a genuine opportunity to express their views and have those views considered by the public agency."
  - Indiana has defined "meaningful consultation" as "a thoughtful participation in an exchange of views that goes beyond the simple receipt of information from one party."

- **How can an LEA ensure a meaningful process?**
  - Meeting participants need to be engaged in the process.
  - Have a candid discussion about what services are needed for the students and how the LEA can best meet those needs
  - LEAs should be prepared. Have an agenda and necessary handouts to facilitate discussion.

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Parent Involvement

"Each LEA must consult with nonpublic school representatives and representatives of parents of parentally-placed children with disabilities"

How will an LEA ensure parent involvement?

- Nonpublic schools are probably in the best position to identify parents
- LEAs are ultimately responsible for ensuring that parents are invited

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Consultation Meeting Requirements

1. Child Find Process
   - LEAs must discuss how it will be conducting the Child Find process and how interested parties will be informed of the process.

2. Determining Proportionate Share of Part B funds available
   - LEAs must disclose how much of its Federal Part B funds have been allocated to parentally-placed nonpublic school students AND how that amount was determined.

3. Determining how the consultation process will operate throughout the school year
   - LEAs must describe the procedures it will use throughout the school year to ensure that those students identified through the child find process can meaningfully participate in special education and related services.

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Consultation Meeting Requirements
(continued)

4. How, where, and by whom services will be provided
   – LEAs must describe the types of services (including direct services and alternate service delivery mechanisms) that will be provided during the school year. In addition, a description of how and when those decisions will be made.

5. Disagreement process for LEA
   – LEAs must describe how, if the LEA disagrees with the views of the nonpublic school officials, the LEA will provide a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

Affirmation Process

• LEAs must obtain written affirmations from the nonpublic school representatives, indicating that the:
   – Five (5) required components were discussed, and
   – Meeting was timely and meaningful.

• If the LEA does not receive signed written affirmations within 20 instructional days of the date of the consultation meeting, the LEA must forward documentation of the consultation process to the Center for Exceptional Learners.

Final Decisions After Consultation Meeting

• After consultation meetings, the LEA must make final decisions regarding services provided to nonpublic school students.

• If a LEA chooses not to accept the recommendations of the nonpublic school officials, it must provide to the officials a written explanation of the LEA's reasons.

Right to Submit a Complaint

- A nonpublic school official has the right to submit a complaint to the SEA, alleging the LEA did not:
  - Engage in consultation that was timely and meaningful; or
  - Give due consideration to the views of the nonpublic school officials.

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Record Keeping Requirement

- LEAs must maintain in its records and provide to the SEA the following information:
  - The number of students evaluated;
  - The number of students determined to be children with disabilities; and
  - The number of students served.

- Important information in calculating the proportionate share!

- 34 CFR § 300.132(c) and   511 IAC 7-34-2(c)

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Expenditures

- Each LEA must spend a proportionate amount of its Part B funds on parentally-placed nonpublic school children ages 3-21, which includes the following sub-grants:
  - Part B, §1411(f) federal sub-grant (3-21)
  - Part B, §1419(g) federal sub-grant (3-5)

- The proportionate share is based on the number of eligible students with disabilities

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Calculating Proportionate Share

The LEA must:

1. Divide the number of eligible parentally-placed nonpublic school students by the total number of student with disabilities (public school and nonpublic school students with disabilities).
2. The quotient obtained in #1 above is multiplied by the public agency current Part B, §1411 (f) Sub-grant.
3. The product in #2 above equals the public agency's proportionate share amount of Part B Funds that must be spend on eligible parentally-placed nonpublic school students.

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Example of Proportionate Share

- The Colts School Corporation has 2000 special education students, and 100 of these special education students are parentally-placed nonpublic school students. The school corporation received a Part B, §1411 (f) Sub-grant that totals 3 million dollars.

    $100 \div 2000 = .05$ → $.05 \times \$3,000,000 = \$150,000$

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Calculating Proportionate Share

- Proportionate Share for Students Aged 3 through 5
    - Utilize the same formula from the previous slide
    - LEAs should divide the number of eligible 3-5 year old nonpublic school students by the total number of 3-5 year old special education students
    - The quotient is multiplied by the Part B, §1419(g) Sub-grant for students aged 3-5

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Indiana's Additional Requirements

- Article 7 requires some level of services to be offered to <u>every</u> parentally-placed nonpublic school student.

- Because parentally-placed nonpublic school student generate state special education fund – APC funds – it is permissible for LEAs to use a combination of state and federal funds to meet its service obligation under Article 7.

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Service Plans

A service plan **must** include the following:

1. A statement of the student's present levels of educational performance.
2. A statement of measurable annual goals related to the services that will be provided, describing what the student can be expected to accomplish within 12 month period.
3. A statement of the special education and related services and supplementary aids and services to be provided to the student or, on behalf of the student, by the LEA, or supports for school personnel that will be provided.

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Service Plans (continued)

5. If applicable, a statement regarding the student's participation in statewide or district assessments, including documentation of any appropriate testing accommodations that will be utilized by the student.
6. The projected dates for initiation of services by the LEA and the anticipated length, frequency, location, and duration of services.
7. A statement of the student's progress toward annual goals including how the parents will be informed of the progress.

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Items to Ponder

LEAs need to maintain evidence of consultation meetings

- Examples:
- List of nonpublic schools (including students that are homeschooled)
  - Invitation Letters
  - Attendance documentation (sign-in sheets)
  - Meeting agendas
  - Handouts
  - Affirmations (forms)
    - Maintain a record of those nonpublic school representatives that "refuse to sign"

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Items to Ponder

- What services is the LEA providing to parentally-placed nonpublic school students?
  - Ask yourself: Are the decisions of the LEA the most cost-effective and student-effective way to spend its proportionate share?

- How can an LEA show that it spent its Federal Part B funds allocated to the nonpublic school students?
  - Can the LEA document its expenditures?
  - Does the LEA need to devise an accounting system to properly maintain the accounting records?

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Early Childhood Education Administration of Medication

Sheron Cochran, Specialist
Center for Exceptional Learners
Donna Hudson, Early Childhood Specialist
Zionsville Community Schools

Early Childhood
Minimum Hours of Instruction

- Article 7 eliminates the full-time hours (12.5 hours) of instruction per week.
  How will you:
- Plan for services and service models taking into account that decisions about the appropriate level of service must be based on the educational and developmental needs of each child? There is no definition of a standard instructional week of services. Develop a policy that ensures flexibility.

- Provide guidance to CCC to assist in deciding the number of hours of service per week that are child specific and offer the appropriate level of service?

Early Childhood
Minimum Hours of Instruction

- Verify and monitor that hours of service are not determined unilaterally by age, disability, or administrative convenience?
- Ensure and monitor that each school corporation offers a full continuum of placement options?
- Use ISTAR data to monitor individual and aggregate child progress data as a means of monitoring that this rule is not being violated? CEL will use data when investigating complaints.

This report can be run at the district level, school level or teacher level.

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From the Aggregate/Disaggregate Report, an administrator can look at columns AN, BD and BN to view overall progress in the areas of Lang Arts, Math and Functional skills.

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Caseload/Class Size Ratios Eliminated [IAC 7-36-5(b)]

How will you:

- Utilize the 'caseload definition' to determine caseload and class sizes rather that depending on previous standards?
- Monitor caseloads and class sizes, analyze impact on service delivery models, and collect data to justify need for hiring staff?

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Caseload/Class Size Ratios Eliminated [IAC 7-36-5(b)]

How will you:
- Monitor health and safety issues and ensure that a class is NEVER left unattended or without adequate supervision? What procedures are in place including when the paraprofessional or a second person is absent?
- Use ISTAR data to monitor individual and aggregate child progress data as a means of monitoring that this rule is not being violated? CEL will use data when investigating complaints.

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Early Childhood Students
Private Schools

- A private preschool program must be a part of an 'elementary school' as defined in Rule 34 to be considered a private school entity. [511 IAC 7-34-1(c); 511 IAC 7-32-33]

How will you:
- Explain changes and provide transition assistance to families if necessary?
- Determine whether or not to continue providing services to children in private schools that do not meet the definition of elementary school?

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Early Childhood Students
Private Schools

How will you:
- Develop a Service Plan that complies with Article 7 for preschool children of your private elementary schools?
- Inform families, staff, and First Steps of changes?
- Note: The private school section in Article 7 does not apply when students are placed in nonpublic programs by the public school in order to provide a FAPE in the LRE (e.g., community early childhood programs).

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Early Intervening Services

The 15% set aside for early intervening services may not be utilized to implement a comprehensive and coordinated early intervening services for preschool children not currently identified as needing special education [511 IAC 7-40-2 (a)].

How will you:

- Determine whether or not to develop early intervening services for preschool children who do not have a disability? Would a system reduce referrals?
- What services will you offer and how will costs be covered using local, state, or private funding?

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Transition from Part C to Part B

- The State 50 instructional day time frame will not apply to children exiting Part C. Services must in place by the child's third birthday. [511 IAC 7-40-5(d)(2)]

- Notice of CCC meeting must inform the parent that the school must invite First Step Service Coordinators to CC at parents' request. [511 IAC 7-42-2 Notice of CCC meetings]

- The Part C service coordinator or other representatives from Part C are participants of the case conference committee at parent request. [511 7-42-3 Case Conference Participants]

- CCC must consider the IFSP as a special factor when developing the IEP. [511 IAC 7-42-6 (d) Case Conference Committee Meetings]

- The CODA Project will begin collecting the start date of services in the 2008-2009 school year. Date of IEP implementation means date services initiated, NOT date the CCC developed an agreed upon IEP with initiation dates.

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Transition from Part C to Part B

How will you:

- Inform staff that the State 50 instructional day timeline will not apply to children exiting Part C and reinforce that services must be in place by third birthday?

- Monitor timely evaluation and CCC procedures so that children begin receiving services by their third birthday? CODA Must include date services begin. See Updated CODA Entry Form (that will be on the provided CD).

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Transition from Part C to Part B

How will you:

- Reduce the number of evaluations your staff conduct for children referred from First Steps with suspected developmental delay, language or speech impairment, or other disability areas due to personnel automatically dismissing the review of existing evaluation data provided by First Steps providers?

- Revise the notice of CCC meeting to reflect an invitation to the Part C representative and revise CCC procedures to document that the IFSP was considered when developing the IEP?

Evaluation

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Notice of CCC Meeting

- A date, time, and place for a Case Conference Committee meeting has been mutually agreed upon for: [student]
- The meeting has been scheduled for:
     Date: (date)   Time: (time)   Place: (place)
- Purpose(s) of the meeting:
  – [*List purposes checked*] **and** [*Text from "Additional information on the purposes of this case conference"*]
- The following individuals will be invited to this meeting either because their attendance is required or because the public agency has determined that they have knowledge or special expertise regarding the student:
  – Print table of invited individuals
    - Include email field on notice (minus transition service representative and any member indicated as restricted by consent, if any)
  – Individuals representing agencies that require parental consent to disclose personally identifiable information will be invited following receipt of your consent:
  – Print transition service agency rep
    - Include email field on notice
  – Print any member indicated as restricted by consent in "add invite"
    - (Do not print this whole section if no restricted individuals are to be invited)

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Developmental Delay

Changes in developmental delay eligibility criteria include clarifications rather than definition changes.

Changes include:

– Using an individually administered norm-referenced assessment or, if adequate information cannot be obtained, using a criterion-referenced assessment;

– Completing a social and developmental history that includes collecting information in 8 areas; and,

– Completing a systematic observation across various environments.

511 IAC 7-41-6 Developmental Delay (early childhood). Also, see definition of "systematic observation" at 511 IAC 7-32-96.

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Developmental Delay

Systematic observation means that the observation is conducted to "measure specific, well defined behaviors using structured recording procedures [more than anecdotal notes]."

"Across environments" could include a home observation or one done in another preschool/First Steps setting. It could be an observation done in an early childhood special education class or on the playground. It might be done by someone in the child's daycare or preschool setting.

The intent of this requirement is to ensure that there is observational data from more than one setting which often tends to be the "formal evaluation setting" so that a better picture of the child's functioning and needs can be determined.

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Reporting Early Childhood Outcomes in ISTAR

New Procedures:
- Only one assessment will be required per school year. This assessment must take place between January and June for State reporting purposes. Staff may continue to use ISTAR as frequently as desired for local purposes since all tools will be available throughout the year.
- The items that make up the ISTAR assessment have been analyzed for their statistical value, reliability, alignment to the OSEP indicators, and vertical academic alignment up through kindergarten. Items that do not have significant statistical utility will be removed to offer more efficient and complete assessment results. The basing process will become more flexible and the assessment categories will eliminate repeats. Reports will be improved to better represent the changes.

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Reporting Early Childhood Outcomes in ISTAR

- The speech language interface will be removed from the ISTAR assessment. The speech interface did not permit the measurement of skills in all three outcome areas in a sufficient manner to look at the whole child. The OSEP requires us to assess in all three outcome areas even when it is not an area of concern. When the SLP is unable to assess the child in all areas, parent report may be utilized in completing the ISTAR assessment.
- The Dashboard will be improved to offer more useful management and reporting tools.
- There will be training for staff during the first semester to assist in gearing up for annual assessments during the second semester.

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Medication Administration
511 IAC 7-36-9

- School personnel cannot require a parent to obtain medication as a condition for attending school, receiving an educational evaluation or receiving special education or related services. School personnel may share classroom based observations on academic and functional performance, behavior, or need for evaluation for special education and related services with the parent.
- Other requirements remain the same as in previous edition of Article 7.
  - How will you train general and special education staff?

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Transition Planning
for Adult Life

Nancy Zemaitis, Assistant Director
Center for Exceptional Learners
Teresa Grossi, Indiana Institute on Disability and Community

Where Do We _Want_ Our Students To End Up?

Happy?

Living In/Contributing To Their Community?

Pursuing Further Learning?

Working In A Job They Like?

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Review The Data
"WHERE __DO__ OUR STUDENTS END UP?"

- 73% Live in Parent/Relative Home
- 13% Live in Own Place
- 14% Other (e.g., dorm, group home, etc.)
- 46% Employed Full- or Part-Time
- 13% Post Secondary Education Full- or Part-time
- 20% Employed & Post Secondary Education
- 21% Unemployed

[2005-2006 One Year Indiana Post School Follow Up System]

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WHY? (Indicator 14)

Does the data we have tell the correct story?
- How might we get a better percentage of responses to our survey?
- Does our school have a good tracking system?

What story are the survey results telling us?
- Given what we want for our students, can student outcomes improve?

HOW?

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HOW? (Indicators 1 & 2)

What does our graduate rate tell us?
- Who is getting a diploma? Certificate?
- Is there a trend for one sub-group?

Do we need to look at our drop out rate?
- Who is dropping out?
- Is there a trend for one sub-group?

Do these two data account for all students?

If not – Why?

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Family Involvement

- How might the LEA support and work with families in their role.

- How will the LEA "transition" responsibilities to the student/ family.

Are We Helping Our Students Plan Well?

Starting in grade 6, students and their parents must develop a initial graduation plan that includes:

- Statement of intent to graduate from high school
- Acknowledgement of the importance of good citizenship, school attendance, and diligent study habits

Indiana HB 1246 (2008)
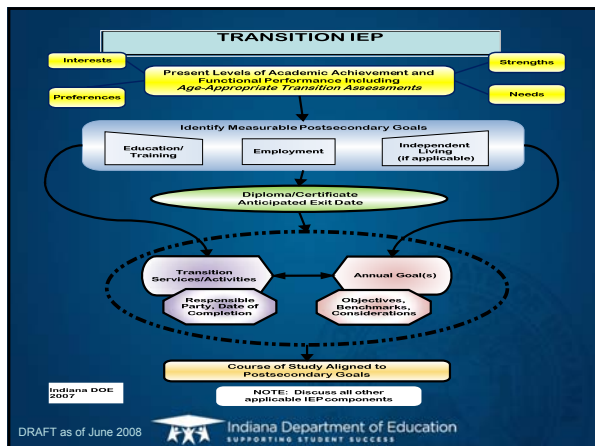
Does the LEA Personnel Know There is Now a Transition IEP?

- How will the LEA communicate to all personnel that there is now a Transition IEP which is based upon what the student will be doing after they leave high school?

- How will the LEA communicate that the Transition IEP is a unified document, not a separate plan, and, services are infused in typical high school experiences?

TRANSITION IEP

Interests • Present Levels of Academic Achievement and Functional Performance Including Age-Appropriate Transition Assessments • Strengths

Preferences — Needs

Identify Measurable Postsecondary Goals
- Education/ Training
- Employment
- Independent Living (if applicable)

Diploma/Certificate Anticipated Exit Date

Transition Services/Activities — Annual Goal(s)
Responsible Party, Date of Completion — Objectives, Benchmarks, Considerations

Course of Study Aligned to Postsecondary Goals

Indiana DOE 2007   NOTE: Discuss all other applicable IEP components

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- What do we already know about this student that would be helpful in developing postsecondary goals?
- What information do we need to know about this student to determine postsecondary goals?
- What methods will provide this information (e.g., transition assessments)?

[Greene, G. & Kochhar-Bryant, C.(2003)]

Evaluation

How will the assessment data be collected and used in the IEP process?

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Are We Helping Our Students Plan Well?

What is our process to collect data on the student's strengths, preferences, interests and needs as they relate to the demands of current and future working, education, living and personal and social environments?

AGE-APPROPRIATE
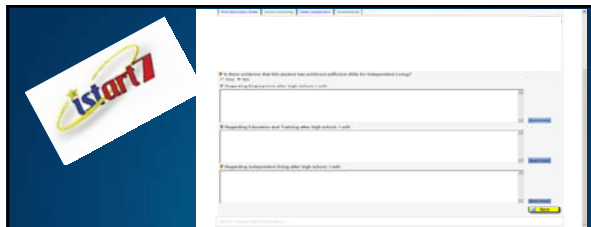TRANSITION ASSESSMENT

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Have You Documented

- The student's present level of achievement and functional performance?
- Supports and accommodations needed?
- The *age-appropriate assessment* used or will be used?
- The student's performance toward state standards and benchmarks?

[NSTTAC-National Secondary Transition Technical Assistance Center]

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istart7

- Is there a measurable postsecondary goal for *employment*?
- Is there a measurable postsecondary goal for *education/training*?
- If appropriate, is there a measurable postsecondary goal for *independent living*?

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Are We Helping Our Students Plan Well?

- Is the goal outcome-oriented?
- Can it be measured/counted?
- Will it occur after the student leaves secondary education?
- For each measurable postsecondary goal, is there *evidence of age-appropriate transition assessment* that provided information on the student's needs, taking into account their strengths, preferences and interests?

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Diploma/Certificate Considerations

- What are the student's postsecondary goals?
- Is participation in remediation courses helping to close the gap between the scores achieved vs. needed?
- Has the graduation waiver option been thoroughly explained and discussed?

- Is the continued pursuance of a diploma (e.g., remediation courses) causing diminished options for work study and employability skills training?

Annual Goals

- What does the student need to **achieve (master some skill or knowledge [not an activity])** this year in order to move toward each measurable postsecondary goal?
- What does the student need to **learn?**
- Is the goal **measurable**?
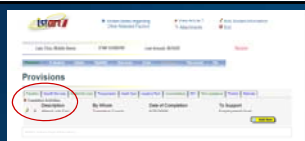- Is it **outcome-oriented** rather than process oriented?

Are We Helping Our Students Plan Well?

- What postsecondary goal(s) does each annual goal support?

- Are there annual IEP goals that will reasonably enable the student to meet each measurable postsecondary goals?

Transition Services

What other services can the student access that are available within the high school?

How will the student learn what he/she needs to learn this year?

What **type** of instruction will occur to help the student attain the annual goals?

What community experiences will be provided?

What other services are needed from community agencies?

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Are We Helping Our Students Plan Well?

For each measurable postsecondary goal area, is there some type of instruction, related service, community experience, employment and other post-school living objective, daily living skills and/or functional vocational evaluation listed in association with meeting the measurable postsecondary goal?

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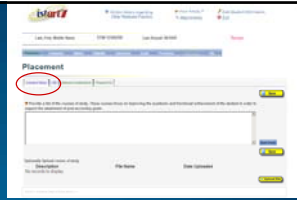

Are We Helping Our Students Plan Well?

• If the participating agency, other than the public agency, failed to provide the transitions services that were described in the IEP:
  – Did the public agency reconvene the CCC to identify alternative strategies to meet the transition objectives?
  – Did CCC meet as soon as possible to identify alternative strategies?
  – Was the Transition IEP revised as necessary?

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Course of Study

- Does the course of study (instructional program of study) or list of courses of study align with the student's identified postsecondary goals?
- Are the courses of study a multi-year description of coursework from the student's current to anticipated exit year that is designed to help achieve the student's desired post-school goals?

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Are We Helping The Students Accomplish What They Plan?

- Has Vocational Rehabilitation been involved?
  – Annual review of student information?
  – VR counselor invited to the CCC?
- Has information about adult services been given, in a meaningful manner, i.e. related to the postsecondary goals, to the student and family?

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Are We Helping The Students Accomplish What They Plan?

- What type of opportunities within the building, corporation or community are being accessed by the student?
- What types of collaborative activities are being developed in the community, i.e. with employers, adult service providers, local post secondary institutions?

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Related Information

An evaluation shall not be required before the termination of a child's eligibility due to graduation from secondary school with a regular diploma, or due to exceeding the age eligibility for a free appropriate public education under State law. [Part B, Section 614 (B) (i)]

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Related Information

- Was the date of notice of transfer of rights provided at least one year prior to the age of majority as defined by the State (this is the student's 18th birthday)?

- Is the Summary of Performance being completed and provided/used by the student/family as a usable document?

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LEA Capacity

How is the LEA creating/maintaining effective transition practices?

- Include data-based decision making?
- Include professional development?
- Include policy analysis and change?
- Include technical assistance?

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Graduation Requirements Alternate Ways to Obtain a High School Diploma

Matt Fleck, Specialist
Office of Career & Technical Education
Paul Ash, Assistant Director
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INDIANA **CORE40**

Effective beginning with students who enter high school in 2006-07

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General Diploma

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General Diploma

Remember, Beginning in 2011:

General Diploma graduates may not be admitted to Indiana public colleges and universities.

General Diploma students may not be prepared to pass the Graduation Qualifying Exam.

General Diploma students are not eligible for additional financial aid for postsecondary education.

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General Diploma

- Only available to students whose parents feel students are unable to complete the Core 40 curriculum.

- Parents must meet with the school counselor to review student's course work.

- Opting out of Core 40 allowed if parent agrees.

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Indiana General High School Diploma
Course and Credit Requirements

English/Language Arts	8 credits
	Credits must include literature, composition and speech
Mathematics	4 credits
	2 credits: Algebra I or Integrated Mathematics I
	2 credits: any math course
Science	4 credits
	2 credits: Biology I
	2 credits: any science course
Social Studies	4 credits
	2 credits: U.S. History
	1 credit: U.S. Government
	1 credit: any social studies course
Physical Education	2 credits
Health and Wellness	1 credit
Career Academic Sequence[1]	6 credits
Flex Credit	5 credits
	To earn 5 Flex Credits a student must complete one of the following:
	• Additional courses to extend the career academic sequence
	• Courses involving workplace learning, which may include the following courses:
	○ Career exploration internship
	○ Professional career internship
	○ Business cooperative experience
	○ Cooperative family and consumer sciences
	○ Industrial cooperative education
	○ Interdisciplinary cooperative education
	○ Marketing field experience
	• Advanced career-technical education, college credit
	• Additional courses in:
	○ Language Arts
	○ Social Studies
	○ Mathematics
	○ Science
	○ World Languages
	○ Fine Arts
Electives[**]	6 credits
	40 Total State Credits Required

[1] Career Academic Sequence – Selecting electives in a deliberate manner to take full advantage of career exploration and preparation opportunities.

[**] Specifies the minimum credits required by the state. High school schedules provide time for many more electives during the high school years. Schools may have additional local graduation requirements.

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General Diploma

English	8 credits
Math	4 credits **Must** include 2 credits in Algebra I or Integrated Math I
Science	4 credits **Must** include 2 credits in Biology I

General Diploma

Social Studies	4 credits **2 credits US History and** **1 credit US Government and** **1 credit another S. Studies**
PE	2 credits
Health	1 credit
Other Subjects	

General Diploma

Electives	6 credits
Career Academic Sequence	6 credits
Flex Credit	5 credits
TOTAL	40 credits

Core 40 Diploma

Core 40 Diploma

	Credits	Years	Courses
English	8 credits	4 years	• Core 40 English
Math	6 credits	3 years	1. Algebra I 2. Geometry 3. Algebra II
Science	6 credits	3 years	1. Biology I 2. Chemistry I OR Physics I OR Int. Chem/Physics 3. Core 40 Science

Core 40 Diploma

	Credits	Courses
Social Studies	6 credits	1. World History OR World Civilization OR Geo. & History of World OR AP World History 2. US History 3. Government and Economics
PE	2 credits	• Two semesters
Health	1 credit	• Health and Wellness

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Core 40 Diploma

	Credits	Courses
Directed Electives	5 credits	• World Languages • Fine Arts • Career-Technical Education
General Electives	6 credits	• Any elective course
Local Reqts		
TOTAL		Minimum of 40 credits

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Core 40 With Academic Honors Diploma

Core 40 With Academic Honors Diploma

- Complete all requirements for Core 40
- Earn 2 additional Core 40 math credits
- Earn 6-8 credits Core 40 world language credits
- Earn 2 Core 40 fine arts credits
- Earn a grade of "C" or above in courses that count toward the diploma
- Have a cumulative GPA of a "B" or above
  AND...

Core 40 With Academic Honors Diploma

Complete one of the following:

1. Four credits in AP courses and take AP exams
2. Four credits in IB courses and take IB exams
3. 1200 combined SAT math & critical reading
4. 26 composite on ACT
5. Earn six dual high school/college course credits from the Core Transfer Library
6. Complete combination of two credits in AP courses and 3 dual high school/college course credits (from the CTL)

Core 40 With Technical Honors Diploma

Core 40 With Technical Honors Diploma

- Complete all requirements for Core 40, <u>and</u>
- Earn grade of "C" or above in courses that count toward the diploma, and
- Have a GPA of "B" or above, and
- <u>Complete a career-technical program resulting in 8 or more credits</u>, and

  AND...

Core 40 With Technical Honors Diploma

- Complete <u>TWO</u> of the following – one of which must be A or B:
    - A. Take three specific WorkKeys assessments and score at a designated level;
    - B. Earn six dual high school/college credits in a technical area;
    - C. Complete either the Professional Career Internship course OR a Coop course;
    - D. Complete a industry-based work experience as part of 2 year CTE program; or
    - E. Earn a state approved industry certification.

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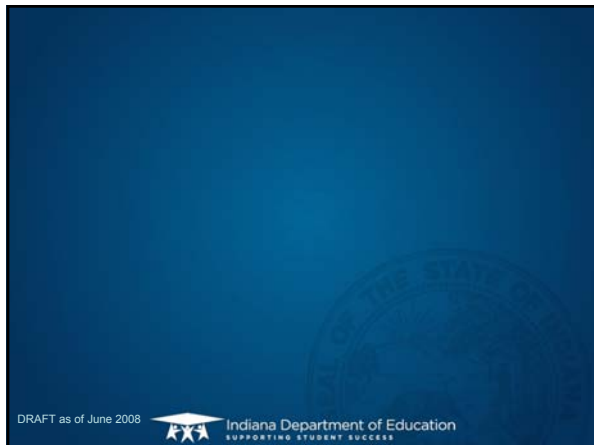
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What If I Don't Pass the Graduation Qualifying Examination (GQE)?

www.doe.in.gov/exceptional/speced/whatsnew.html

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Accommodations

Vs

Modifications

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Accommodations

Level the playing field

• Do not change what is taught or tested

• Generally allow for standardized testing and courses for credit

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Modifications

• Change what is taught or tested
• Generally not allowed for standardized testing or courses for credit

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Several Ways to Meet The GQE Requirement

- Pass the GQE
- Fulfill requirements of Core 40 waiver
- Fulfill requirements of Evidence-based waiver
- Fulfill requirements of Work-based waiver

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Fulfill Requirements of Evidence-Based Waiver

- NOTE:
- An evidence-based waiver for students with disabilities
- An evidence-based waiver for students without disabilities
- They are similar but not identical

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Fulfill Requirements of Evidence-Based Waiver

- IC 20-32-4-5
- TOR and CCC must document 9th grade English and Math proficiencies met – evidenced by tests other than the GQE OR classroom work.
- Principal must concur.

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Fulfill Requirements of Evidence-Based Waiver

- Student must <u>also</u> meet all of the following:
  - Retake GQE as often as IEP says,
  - Complete remediation as specified in IEP,
  - Have 95% attendance rate (minus excused absences),
  - Maintain a "C" average in required courses (C- can count as "C")
  - Otherwise meet all state & local grad reqts

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Fulfill Requirements of Evidence-Based Waiver

- NOTE:
- Eligibility for a diploma is ultimately a CCC decision subject to due process procedures

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Fulfill Requirements of Work-Based Waiver

- Student must meet all of the following:
  - Retake GQE as often as IEP says,
  - Complete remediation as specified in IEP,
  - Have 95% attendance rate (minus excused absences),
  - Maintain a "C" average in required courses (C- can count as "C")

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Fulfill Requirements of Work-Based Waiver

- PLUS:
- Earn the General Diploma including a Career Academic Sequence,
- Complete a "workforce readiness assessment,"
- Complete either:
  - A career internship
  - A Coop course
  - A "workforce credential"

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Due Process

Kylee Bassett, Specialist
Brian Simkins, Specialist
Bobbie Ritz, Specialist
Center for Exceptional Learners

COMPLAINTS

- IDEA – Complaint Timelines

IDEA requires State Educational Agencies (SEAs) to issue written decisions within **60 calendar days**.

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IDEA '04 Reauthorized

- **34 CFR § 300.152(a)(3) requires each SEA to provide the public agency with the <u>opportunity to respond</u> to the complaint.**

Opportunity to Respond

- The Center's complaint procedures must include a process that:
  - Provides the public agency the **opportunity to respond** to the complaint including:
    - At the discretion of the public agency, a proposal to resolve the complaint; and
    - An opportunity for a parent who has filed a complaint and the public agency to voluntarily engage in mediation.

Opportunity to Respond

- The public agency has the discretion to:
  - Respond in writing;
  - Resolve the complaint with a written agreement <u>signed by the complainant</u> and the public agency;
  - Agree to mediate the complaint; or
  - Notify the Center that none of the options will be exercised, and the Center will begin the investigation.

Indiana's New Complaint Timelines

- The Center has **40 calendar days** to issue a written complaint investigation report from the date the complaint is received by the public agency, unless an extension of time has been granted.

- The public agency or the complainant may request a reconsideration, and within **60 calendar days** of receiving the original complaint the Director must issues the reconsideration results.

New Complaint Timelines (continued)

DAY 1
- The Center and the public agency receive the complaint.

DAY 10
- Within **10 calendar days** of receiving the complaint, the public agency has the discretion to:
  1. Respond in writing;
  2. Resolve the complaint with a written agreement **signed** by the complainant and the public agency;
  3. Agree to **mediate** the complaint; or
  4. Notify the Center that none of the options will be exercised, and the Center should begin the investigation.

New Complaint Timelines (continued)

DAY 11
- If the public agency does not resolve the complaint or agree to **mediate**, the Center begin the complaint investigation on the 11th day.

DAY 40
- Unless an extension has been granted the Center must issue the complaint investigation report within **40 calendar days** of receiving the complaint.

7 DAYS AFTER RECEIPT OF REPORT
- Either complainant or the public agency may request reconsideration.

60 DAYS
- The Director should issue the reconsideration results.

Maintaining Timelines

- LEAs need to devise a system for tracking the 10 calendar day "window" to respond to the complaint.

- A Complainant and a LEA can resolve only part of the Complainant's issues.

- The LEA needs to provide sufficient clarity to the Center regarding the degree the complaint issues were resolved.

- If there is no resolution, the LEA shall provide necessary documentation for the complaint investigation to proceed.

MEDIATION

Mediation

- Parties can voluntary utilize mediation for the following:
  - A student's identification and eligibility for services;
  - The appropriateness of the educational evaluation;
  - The appropriateness of the student's proposed or special education services or placement;
  - Any other dispute involving the provision of FAPE to a student; and
  - Reimbursement for services obtained by the parent.
- With the reauthorization of IDEA '04, parties may choose to mediate a complaint.

Mediating Complaints

- HOW?
  - Underlying issues tend to be FAPE issues
  - Realistically, parties may be mediating corrective action for issues of schools' noncompliance
  - The Center acknowledges that it may be difficult to mediate procedural issues
  - Reminder, mediation is VOLUNTARY
  - ONLY time will tell. . .

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Confidentiality

- There is misconception in the field with respect to the confidentiality provision in mediations.

- Discussions that occur during the mediation process shall be confidential and may not be used as evidence in any subsequent due process hearing or civil proceedings.
  - However, the "outcomes" (i.e., mediation agreement or IEP) are not confidential and CAN be used in a due process hearing or civil proceeding.

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Agreements

- Mediations can result in the following:
  - Full agreement;
  - Partial agreement; or
  - No agreement.

- A written agreement reached by the parties in the mediation process is legally binding.

- A written, signed mediation agreement may be enforced through:
  - state court of competent jurisdiction or in a district court of the Untied States; or
  - the state complaint process.

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DUE PROCESS

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Due Process

Prior Written Notice and Written Response

- If a parent requests a hearing, within 10 days of receiving a request for due process the LEA must provide **prior written notice** to the parents on the subject matter of the due process hearing requests AND **provide a written response** to the parent's due process request, addressing the issues.

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Resolution Session

- Required if a parent requests a due process hearing.
- Within 15 days of receiving a request the LEA must convene a meeting with the parent and relevant members of the CCC to allow the parents to discuss facts that form the basis of the hearing request and provide the LEA an opportunity to resolve the issues.

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Resolution Session

- The Resolution Session may be waived by mutual written consent or agreement to mediate.
- If an agreement is reached in the resolution session, the parties must execute a legally binding agreement signed by both parties.
  - Either party may void the agreement within <u>3 business days</u> of executing the agreement.

Resolution Session

- Monitoring Requirement for the SEA
  - Indicator 18
  - Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.

- In order to ensure valid and reliable data, the Center will provide a form for the LEAs to fill out after the resolution period has ended.

Resolution Session

The Center will require the LEA to provide the following information:
  - Whether or not a resolution session was held;
  - If yes, then:
    - What was the date of the resolution session;
    - Was an agreement reached? If yes, was it full or partial?
    - Was the due process hearing dismissed as a result of the resolution session settlement agreement?
  - If no to question #1, then:
    - Was mediation used during the resolution period?
    - If yes, what was the date of the mediation?
    - Was an agreement reached?
    - Was the due process hearing dismissed as a result of the mediation agreement?

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Discipline

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DRAFT as of June 2008

Removals

General Rule: A school does not have to provide services to a student who is eligible for special education during the first 10 days of removal.

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What Is A Removal?

- Removal for any part of a day constitutes a day of removal.
- A suspension is a removal.
- Suspension from bus is a removal if transportation is part of IEP, unless school arranges alternate transportation.
- A removal is a suspension.

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What Is Not A Removal?

- A short-term removal pursuant to IEP is not a removal.
- An in-school suspension is not a removal if the student has the opportunity to:
  - Progress appropriately in the general curriculum;
  - Receive special education services specified in the IEP; and
  - Participates with non-disabled students to the extent the student would have in the student's current placement.

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Disciplinary Change Of Placement

- Removals of more than 10 **consecutive** days.
  - 45 instructional days for weapons, drugs, or serious bodily injury.
  - Suspension pending expulsion when extended by the superintendent under IC §20-33-8-23.

- A series of removals that are a **pattern** because:
  - Series cumulate to more than 10 days in a school year;
  - Behavior is substantially similar to behavior in previous incidents; and
  - Additional factors such as length of removals, cumulative amount of time of all removals, and proximity of removals to one another.

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Common Sense Provision

- A public agency can consider any unique circumstances on a case-by-case basis when determining whether a change of placement is appropriate. Unique circumstances include:

- A school should consider unique circumstances _**BEFORE**_ disciplining a student, if such discipline will result in a change of placement.

- Unique circumstances include:
  - A student's disciplinary history.
  - A student's ability to understand consequences.
  - Supports provided to the student prior to violating a code of students conduct.
  - Any other relevant considerations.

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Removals Exceed 10 Cumulative Days But No Pattern (No Change Of Placement)

- School personnel, in consultation with at least one of the student's teachers, determine which services will enable the student to:
  - Continue to participate in the general education curriculum, although in another setting; and
  - Progress toward meeting the goals in the student's IEP.

- Parent can challenge the school's decision regarding whether there is a pattern/disciplinary change of placement via mediation and/or due process.

- If a parent requests a due process hearing, the hearing is expedited. Hearing officer may return student to current placement if removal violates Article 7.

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Removals That Constitute A Change Of Placement

- Removals constitute a change of placement when:
  - Greater than 10 consecutive days; or
  - Greater than 10 cumulative days when there is a pattern.

- On day of decision, school must notify the parent and provide with notice of procedural safeguards. If unable to notify parent on the day of decision, school must mail to parent notice of decision and notice of procedural safeguards.

- School must convene CCC within 10 instructional days to conduct manifestation determination.

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10 DAYS REMOVAL (FAPE Free Zone)

11th Day: (School Decides)
CHANGE OF PLACEMENT?

YES — NO

> 10 Consecutive

> 10 Cumulative = Pattern

> 10 Cumulative; No Pattern

(Parent can challenge decision)

Case Conference Committee

School personnel in consultation with one teacher

DETERMINE SERVICES TO BE DELIVERED DURING REMOVAL

DRAFT as of June 2008

Manifestation Determinations

- CCC must review all relevant information is student's file, including:
  - IEP
  - Teacher Observations.
  - Any relevant information provided by the parent.

- CCC reviews the information in the file in order to determine if:
  1. The conduct was caused by, or had a substantial relationship to, the student's disability; or
  2. The conduct was the direct result of the public agency's failure to implement the IEP.

Answering "Yes" To A Manifestation Question

- If the CCC answers "yes" to either manifestation question, the conduct is a manifestation of the student's disability.

- If conduct was result of failure to implement IEP, school must take immediate steps to remedy the deficiency.

- CCC must also:
  - If no FBA, conduct FBA and implement BIP; or
  - Revise and modify BIP to address conduct.

- Student returned to placement, unless:
  - Parent and school agree to change of placement as modification of BIP.
  - Student was removed to IAES for weapons, drugs, or serious bodily injury.

Answering "No" To Both Manifestation Questions

- If the CCC answers "no" to both manifestation questions, the conduct is not manifestation of the student's disability.

- Parent can challenge manifestation determination by requesting mediation and/or due process. School can discipline student as it would a non-disabled student, however student was receive appropriate services during any removal.

- CCC determines appropriate services needed to enable student to:
  - Continue to participate in the general education curriculum, although in another setting;
  - Progress toward meeting the goals in the student's IEP; and
  - Receive, as appropriate, and FBA and behavioral intervention services and modifications designed to address behavior so it does not recur.

CHANGE OF PLACEMENT

Manifestation Determination

YES   NO   *Parent can challenge*

1) FBA / BIP

2) Student returns to placement unless modification of BIP determines differently

1) School can use regular discipline procedures

2) Case Conference Committee determines services & behavior services so conduct doesn't recur

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Interim Alternative Educational Setting

Changes –

- Causing <u>serious bodily injury</u> added as offense for which student can be removed to IAES for up to 45 instructional days

- IAES placement for 45 <u>instructional</u> days (instead of calendar) for weapons, drugs, or serious bodily injury

- <u>Principal or designee</u> may remove student to an IAES (previously said "public agency may remove")

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Some Procedural Implications

Notice of removal and copy of procedural safeguards
- ✓ *Do you have a standard form for notifying parents about removal?*
- ✓ *Who will be responsible for preparing and sending notice?*

Manifestation determination within 10 school days
- ✓ *Who is responsible for arranging CCC meeting?*
- ✓ *Who needs to attend,?*
- ✓ *Who serves as public agency representative since local director no longer required to do so?*

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Some Procedural Implications

CCC meets to determine IAES and appropriate services
- ✓ *Will this be combined with manifestation determination CCC ?*
- ✓ *Who will prepare/provide notice of proposed action if no CCC agreement on IAES?*

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What Happens If . . .

. . .the CCC determines the weapon, drug, or serious bodily injury behavior is a manifestation of the student's disability?

Removal to IAES continues even if CCC determines conduct is a manifestation of the student's disability.

. . .the CCC can't agree on the IAES or appropriate services?
Student is placed in school proposed IAES

School provides parent with written notice of proposed or refused IAES

Parent may request mediation and/or due process (no option for requesting a meeting to challenge the placement)

Student remains in IAES if parent challenges

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"Dangerous" Student

No substantive changes

School can request expedited due process hearing if it believes <u>returning a student to his/her current placement after disciplinary removal</u> is substantially likely to result in injury to student or others.

Prescriptive requirements for IHO's decision making have been eliminated

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"Stay Put" During Expedited Due Process Hearings Or Appeals

No substantive changes

Student remains in IAES until earlier of IHO decision or expiration of 45 instructional days unless parent and school agree otherwise

Protections For Students Not Yet Determined Eligible

Changes –

- Eliminated "student's behavior or performance demonstrated the need for special education services" as situation in which school deemed to have knowledge

- School won't be deemed to have knowledge if parent has not allowed student to be evaluated or refused to consent to the initiation of services.

Protections For Students Not Yet Determined Eligible

Changes –

- Staff expression of specific concern <u>directly to supervisory personnel about a pattern of behavior</u> – school will be deemed to have knowledge
  - ✓ *Do you need any procedures to address how this will be handled?*
  - ✓ *Do you need to define or provide guidance on what constitutes a "pattern of behavior"?*

Procedural Implication

Expedited initial evaluation if parent requests subsequent to disciplinary action – 20 instructional days from date of parent consent

✓ How will you ensure written notice proposing or refusing to conduct the evaluation is received by the parent within 10 school days of parent's request?

✓ Will you have MTeam review existing information before or after written notice is sent?

✓ Don't need to provide written notice of initial findings and proposed eligibility, but need to provide copy of report at CCC meeting.

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State Funding of Excess Costs Nonpublic School or Facility Placements
(Public Agency Placement of Student)

Paul Ash, Assistant Director
Susan Reimlinger, Specialist
Center for Exceptional Learners

DRAFT as of June 2008

To extent state funds are appropriated, the State Superintendent is authorized, under IC 20-35-6-2 to enter into contracts to fund the excess costs…

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Eligibility and placement decisions are the prerogative of the case conference committee

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DOE does not "place" students, our office is

a funding entity only

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A full or partial denial of funding is **not** a

denial of services

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FAPE and LRE apply to students served through this process. Distance is an LRE factor and must be considered.

The process for appealing a denial of funding is a hearing based on the EDGAR model. This process will be different than a "special education due process hearing".

The school may find itself responsible for extraordinary costs if services are specified in IEP, but application for funding is denied.

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LEA Policies and Procedures

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Medicaid Billing

Tracy Brunner, Research and Public Policy Analyst
Indiana Education Project at Ball State University

DRAFT as of June 2008

Parental Consent to Bill Medicaid

- Per Article 7 and 34 CFR 300.154(d)(2)(iv)(A):
  - parental consent is required each time the LEA seeks access to a student's public benefits or insurance.
- Obtain consent to bill Medicaid at least annually:
  - Get **annual consent** to bill for the types and duration of services in a student's IEP.
  - Get consent **when revising the IEP** to include additional type(s) or increased frequency of services.
- An A.S.K. (About Special Kids) brochure helps explain why the school bills Medicaid & alleviate concern about impact to student benefits. A copy is available online:
- http://www.doe.state.in.us/exceptional/speced/medicaid.html

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Clarification from US DOE

Indiana DOE requested clarification on IDEIA reg language requiring parental consent "each time" the LEA seeks access to a student's public benefits or insurance. In a 1/23/07 letter to the IDOE, OSEP Director Alexa Posny interpreted "each time" to mean each time an IEP is written; i.e., one time for the specific services and duration of services identified in a child's IEP, and each time the IEP is revised to include additional services or increased duration of services to be billed to Medicaid.

ISTART7 Consent Prompt

Billing Medicaid for Health-Related Services
I hereby authorize the public agency to verify my child's eligibility for Medicaid. I also authorize the public agency to bill Medicaid for covered health services articulated in the Individualized Education Program (IEP) as provided to my child.

I understand that the funds received from Medicaid help pay the cost to provide special education and related services. Informed parental consent to bill Medicaid must be obtained at least annually and the public agency must again obtain parental consent any time the Individualized Education Program is revised to require additional services or increased frequency of services.

Additionally, I understand that my child's right to receive the services listed in the IEP will continue, without interruption and at no cost to me, whether or not I authorize Medicaid billing. Giving consent will not impact my child's Medicaid coverage. I understand that I may revoke this consent in writing at any time, but that the revocation will have no effect on the provision of information or Medicaid billing that has occurred prior to the date the written revocation is received by the public agency. Upon request, I may receive copies of records disclosed pursuant to this authorization.

Medicaid _Enrollment_ Is Mandatory
Medicaid _Billing_ Is Optional

- State law IC 12-15-1-16:
  - Mandates that school corporations enroll as Indiana Medicaid providers; BUT
  - Does not require them to bill Medicaid
- To enroll as an Indiana Medicaid provider:
  - Obtain a National Provider Identifier (NPI), AND
  - Complete then submit the Indiana Medicaid provider enrollment application

Why Bill Medicaid For IEP Services?

- The school corporation claims additional federal funding (60 cents on the dollar) for services otherwise financed with 100% State dollars.
- Medicaid covers health-related IDEA services, which schools must provide, including:
  - Occupational, Physical and Speech Therapy
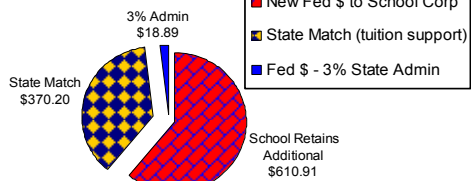 - Psychology/Behavioral Health Services
  - Audiology

Additional Medicaid Revenue

$1000 Medicaid Reimbursement ($370.20 State + $629.80 Federal Funds)

3% Admin
$18.89

State Match
$370.20

- New Fed $ to School Corp
- State Match (tuition support)
- Fed $ - 3% State Admin

School Retains
Additional
$610.91

Tools Of The Trade

- Medicaid Billing Tool Kit
  - Sample consent & referral forms, coding examples, self-audit tips
- Medicaid Billing Guide
  - Agency (LEA, SEA & Medicaid) roles
  - Eligibility guidelines, delivery system overview
- http://www.doe.state.in.us/exceptional/speced/medicaid.html

Medicaid Billing Policies/Procedures

(1) vary at the local level depending on…

- "the numbers" (eligible students, covered services, qualified practitioners)

- service delivery model (joint services, co-op, etc.)

- degree of automation;

- and -

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Medicaid Billing Policies/Procedures

(2) can be set up to suit local needs, e.g.:

- Design local forms for multiple purposes (case management, compliance monitoring, Medicaid billing)

- Standardize service log abbreviations, codes

- Assign qualified staff to buildings with eligibles

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Correct Implementation Will Mean:

• Consent on file for every student whose services will be billed to Medicaid.

• Additional federal matching funds for services appropriately billed with parental consent.

• Readily available, standardized service documentation in the event of a complaint or due process procedure.

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Please Note Related Requirements

• Special Ed and Medicaid records retention requirements **DIFFER** (5 years versus 7 years)

• Privacy protections: FERPA and HIPAA can apply

- FERPA applies to educational records of the LEA

- HIPAA applies to electronic claims transactions

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Resources, National Associations

• The National Alliance for Medicaid in Education, Inc. provides a network for sharing school-based Medicaid-related information and best practices. Click on "Medicaid Information" on the NAME home page for useful resources: http://www.medicaidforeducation.org/

• LEAnet, a coalition of local education agencies dedicated to protecting school health services from cuts in federal Medicaid programs offers information, legislative and regulatory updates on its Web site at: http://www.theleanet.com/

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Frequently Asked Questions

• Aren't the feds eliminating school-based claiming?

• How may the school spend/use Medicaid money?

• Will school claiming impact student benefits?

• What services can the school bill to Medicaid?

• What documentation is required? Is electronic OK?

• Is an order/referral required to bill services?

• Is it true SLPs must have their CCC's to bill Medicaid?

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FAQs Continued

- Will Medicaid cover services of a therapy aide/assistant?
- If audited, will schools have to refund payments?
- Which billing agents are good and what do they charge?
- Where can we get additional Medicaid billing guidance?

Please review these Frequently Asked Questions and their respective answers in your training materials handout.

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Highly Qualified Teachers, Certified Educational Interpreters and Highly Qualified Paraprofessionals

Sharon Knoth, Assistant Director
Center for Exceptional Learners

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Highly Qualified Paraprofessionals

- Not a new requirement; has been in NCLB and is now added to Article 7.
  - Title I Targeted Programs
  - Title I School-Wide Programs
- Paraprofessionals must receive both preservice and inservice training.
- The training provided to paraprofessionals must be documented in writing.

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Questions

- Who hires paraprofessionals in your district?
  - Does this individual know which schools are Title I school-wide programs?
  - How are paraprofessional requirements documented and maintained?
  - Who provides the preservice training for paraprofessionals?
    - Is this documented in writing?
  - Who provides the inservice training for paraprofessionals?
    - Is this documented in writing?

- If a complaint were filed for failure to comply with 511 IAC 7-36-2(e) through (j) how would you demonstrate that you have met the requirements?

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511 IAC 7-36-2
Special Education Program Personnel

- Related Services Personnel may not have certification or licensure waived.

- Educational Interpreters must be certified.
  - Has been required under 460 IAC 2-3, now referenced in Article 7 as well.
  - The CEL is exploring certification for educational interpreters being provided through the Division of Professional Standards.

Questions

- Who ensures that all staff assigned to work with students have certification or licensure that is up-to-date?
  - Does this include educational interpreters?
  - Does this include related services personnel?
  - What about therapeutic providers (music therapy, horse therapy, etc.?)
  - Does this vary for high incidence and low incidence areas?

- How is this monitored?
  - If a complaint were filed, could you prove you ensure all staff meet the state requirements?

511 IAC 7-36-3
Highly Qualified Teachers

| Bulletin 192 | Rules 46-47 |
| (Began Preparation After 09/09/1946) | (Began Preparation After 08/01/1974) |

| Bulletin 94 | Bulletin 400 | Rules 2002 |
| (Prior to 09/09/1946) | (Began Preparation After 09/01/1963) | (Began Preparation...) |

Governance for Licensure

Assignment Codes

The Assignment Code List is Available online at:

http://www.doe.in.gov/dps/licensing/assignmentcode/pdf/IndianaAssignCode-ExceptionalNeeds.pdf

It will also be on the CD to be provided.

Assignment Code Exceptional Needs

Code	Course Title	Bulletin 94	Bulletin 192	Bulletin 400	Rules 46-47	Rules 2002
	Exceptional Needs					
01	Multiple Disabilities	• Teacher of Special Classes	• Teacher of Special Classes	• Mental Retardation • Orthopedic and Special Health Problems	• Trainable Mentally Retarded • Moderate/Severe/Profound/Multiply Handicapped • Severe Disabilities • Physically Handicapped	• Exceptional Needs: Intense Intervention covering appropriate school setting
02	Orthopedic Impairment	• Teacher of Special Classes	• Teacher of Special Classes	• Orthopedic and Special Health Problems	• Physically Handicapped	• Exceptional Needs: Mild Intervention covering appropriate school setting • Exceptional Needs: Intense Intervention covering appropriate school setting
03	Visual Impairment	• Teacher of Special Classes	• Teacher of Special Classes	• Blind • Partially Sighted	• Visually Impaired	• Exceptional Needs: Visually Impaired covering appropriate school setting
04	Hearing Impairment	• Teacher of Special Classes	• Teacher of Special Classes	• Deaf	• Hearing Impaired	• Exceptional Needs: Hearing Impaired covering appropriate school setting
05 or 06	Emotional Disability	• Teacher of Special Classes	• Teacher of Special Classes	• Emotionally Disturbed	• Seriously Emotionally Handicapped	• Exceptional Needs: Mild Intervention covering appropriate school setting • Exceptional Needs: Intense Intervention covering appropriate school setting
07	Learning Disability	• Teacher of Special Classes	• Teacher of Special Classes	• Learning Disabled	• Learning Disabled • Mild Disabilities	• Exceptional Needs: Mild Intervention covering appropriate school setting
08	Developmental Delay (Ages 3-5 only)	• Teacher of Special Classes	• Teacher of Special Classes	• Mental Retardation	• Elementary • Early Childhood License • Early Childhood Special Education minor • Kind. Primary • Any K-12 Special Education	• Any Exceptional Needs license covering School Setting: Preschool
09	Communication Disorder	• Teacher of Special Classes	• Speech and Hearing Therapy	• Speech and Hearing Therapy	• Speech Language and Hearing Clinician • Educational Audiologist	• Communication Disorders covering appropriate school setting
	Mild Visual Disability	• Teacher of Special Classes	• Teacher of Special Classes	• Mental Retardation	• Mildly Mentally Handicapped	• Exceptional Needs: Mild Intervention

"…and must have the content knowledge and skills necessary…

- License and certification is one thing, 7-36-2(a) carries this to ensuring that all staff can provide the services. This includes the TOR.
  - One check is the assignment code/license check, how will you know that your staff meets this requirement?
  - Do you know which teachers are teaching a core academic subject?
  - Do you know the HQ route is different for teachers of students with disabilities depending on their role?
  - How do you monitor teaching assignments (at the level of which subject areas are being taught)?

HOUSSE

- Is not an option for new teachers (e.g., teachers with less than one year of teaching experience in the content area).
  - At elementary level the individual globally assesses all of the care academic subjects.
  - At secondary level the individual assesses each core academic subject individually.

- Core Academic Subjects [34 CFR § 200.55(c)]

English	Reading or Language Arts
Mathematics	Science
Foreign Languages	Civics and Government
Economics	History
Geography	Fine Arts

Highly Qualified

- If a licensed general education teacher obtains an additional license, but in special education, s/he is considered a first year teacher for purposes of this rule.

- Highly qualified is not applicable to early childhood educators (but they must be appropriately licensed).

Smart DeskTop / Teacher Portal

Materials & Resources

- Your CD will contain:
  - The current Indiana HOUSSE
  - The current Assignment Code List
  - NASDSE's HOUSSE Comparison Document and a Document Discussing HQTs
  - Several Articles on HQTs
  - The current Educational Interpreter Code
  - A Report on Teacher Quality in Indiana
  - Other Applicable Resources

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NIMAS
National Instructional Materials Accessibility Standard
ICAM
Instructional Center for Accessible Materials

Shanida Sharp, Specialist
Center for Exceptional Learners
Vicki Hershman, Director
PATINS Project

NIMAS

- Under IDEA, all schools must adopt NIMAS and can choose to work with NIMAC, a national repository for NIMAS files received from publishers.

- NIMAS is a standard established by the Secretary of Education to be used to prepare electronic files that are suitable and used to convert instructional materials into specialized formats for students who are blind or print disabled.

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ICAM

- Indiana DOE/CEL has created the PATINS Indiana Center for Accessible Materials (ICAM) as a state repository for LEAs to access instructional materials in specialized formats;
- The ICAM partners with the IERC to provide a complete one-stop shop for accessible formats;
- The ICAM provides tracking of accessible materials ordered by LEA to IDOE.

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Instructional Curricula, Materials, Equipment, And Assistive Technology Devices And Services

- LEA Critical Practice
  - Provision of textbooks and core instructional materials in accessible formats for students with a print disability in a timely manner
    - 511 IAC 7-32-75 Print Instructional Materials
    - 511 IAC 7-32-93 (a) Student With A Print Disability
    - 511 IAC 7-36-7 (d) Accessible Formats
    - 511 IAC 7-36-7 (h) Timely Manner

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LEA Key Considerations: Accessible Formats for Chafee Qualified Students

- When an agreement with a K-12, the LEA requires the publisher to submit a NIMAS file set to the NIMAC, or purchases instructional materials from the publisher is made to purchase print instructional materials publisher that are produced in, or may be rendered in specialized formats.
  - Establish LEA contract language for materials; and
  - Purchase a copy of the print material for **preschool – twelfth grade** print disabled students

Sample Contract Language

LEA Key Considerations: Accessible Formats for Non-Chafee Qualified Students

- The LEA is responsible for ensuring print disabled students not included under the Chafee definition or who need materials that cannot be produced from NIMAS files, receive those instructional materials in a timely manner. (IDEA 2004 §300.172)
  - LEA consideration to purchase accessible formats directly from the publisher
  - Order materials, if available, from Bookshare.org through the ICAM
  - Establish policies and procedures for scanning print materials and producing accessible print formats

LEA Considerations: Print Disability

• Policies and procedures should be established for case conference consideration:

- To determine if a student needs instructional material in accessible formats
- To determine if a student with a print disability qualifies to receive NIMAS files under the Chafee Amendment
  - ✓ Requirement for certification from a competent authority
  - ✓ LEA is responsible for assuming the cost of certification
- To determine what accessible formats are needed to access the curriculum and in what settings
- To determine what assistive/accessible hardware and software will be needed to deliver the file in a student ready format

LEA Considerations: Print Disability

• Competent Authorities
  – Physical disability (blindness, visual disability, or physical disability)
    • Doctors of medicine and/or osteopathy, ophthalmologist, optometrist, registered nurses, therapists, professional staff of hospitals, institutions or public welfare agencies
  – Organic dysfunction
    • Doctor of medicine who may consult with colleagues in associated disciplines

LEA Key Considerations: Timely Manner

• LEA must take reasonable steps to ensure that students who needs print instructional materials in accessible formats are provided those materials at the same time as other students receive instructional materials. Reasonable steps:

- Secure publisher contracts early to allow for sufficient time to have the NIMAS file set delivered to the NIMAC;
- LEA superintendent appointed DRM completes registration and training through ICAM;
- DRM completes ICAM student registration and orders for accessible materials early to allow for sufficient time to receive and distribute materials in student ready formats.

Indiana Center for Accessible Materials

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LEA Key Considerations:
Timely Manner/ICAM Resources

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DRM Terms of Service

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Prevent Copyright Violations

- LEAS must make sure appropriate steps are taken to ensure only Chafee eligible students received specialized formats from the NIMAC (Copyright Law)
- LEAS must ensure the NIMAS files are stored on a password secured server
- LEAS must determine a method of distribution of digital/audio NIMAS files that ensures the copyright process
- LEAS must ensure that only authorized Digital Rights Managers have access to the NIMAS files downloaded from the ICAM or any other source

Local LEA Training Considerations

- CCC consideration of student need for accessible formats of instructional materials
- Appropriate accessible formats
- Needed assistive and accessible technologies for student access of NIMAS files
- Converting NIMAS files into audio and digital files
- Local level tracking of student orders and use
- Local level training on ensuring copyright protection
- Training on the use of assistive technology hardware and software for use with specialized formats

Compliance

- How do you know if your LEA is in compliance?
  - Opt- In To NIMAS
  - Contract Language
  - Documentation In IEP (ISTAR 7)
  - Maintain A Record Of LEA Activities Related To The Preparation And Delivery Of Specialized Formats
- Prevent Copyright Violations

Resources

- ICAM http://www.icam.k12.in.us
- NIMAS@CAST http://nimas.cast.org
- IDEAL Project http://www.idealindiana.com
- NICHCY, IDEA 2004 Training Module 8 http://www.nichcy.org/training/contents.asp#NIMAS
- OSEP, Building the Legacy: IDEA 2004, NIMAS http://idea.ed.gov/explore/home

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Monitoring

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Sharon Knoth, Assistant Director
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Components of General Supervision

State Performance Plan

Policies, Procedures, & Effective Implementation

Integrated Monitoring Activities

Fiscal Management

Data on Processes and Results

Improvement, Correction, Incentives & Sanctions

Effective Dispute Resolution

Technical Assistance & Professional Development

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Next Steps

Bob Marra, Assistant Superintendent
Center for Exceptional Learners

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August 5, 2008

We will convene again on Tuesday, the 5th of August from 8:30 a.m. to 4:00 p.m. at the Ritz on North Meridian. Your assignment between now and that date is to think through the questions we have posed for you and discuss relevant issues with your staff. Think about the policies and procedures that have been described and come to the August meeting ready to discuss all of these topics in greater detail.

If you have additional questions between now and that date, feel free to send them to: SKnoth@doe.in.gov

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